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LAKSHADWEEP ADMINISTRATION
[LAKSHADWEEP FIRE FORCE]
[HOME DEPARTMENT]
KAVARATTI - 682 555

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PUBLIC NOTICE

F. No.03/11/2020-FIRE/757:- Draft the Lakshadweep Open Places (Fire Force) Regulation 2023 is hereby published for the purpose of eliciting public opinion on the draft regulation. The comments/suggestions, if any may be submitted to the Superintendent of Police/Chief Fire Officer, Union Territory of Lakshadweep in writing within a period of 30 days from 04-04-2023.

Sd/-

SUPERINTENDENT OF POLICE/CHIEF FIRE OFFICER
Union Territory of Lakshadweep, Kavaratti

THE LAKSHADWEEP FIRE FORCE REGULATION, 2023

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THE LAKSHADWEEP FIRE FORCE REGULATION, 2023

A Regulation to provide for the Maintenance of UT of Lakshadweep Fire Force and to make more effective provisions for the fire prevention and fire safety measures in various types of buildings and premises in the Union Territory of Lakshadweep Islands and the matter connected therewith.

Be it enacted in the_____ Year of the Republic of India as follows:

**CHAPTER I
PRELIMINARY****1. Short title, extent and commencement**

1. This Regulation may be called the Lakshadweep Fire Force Regulation 2023.
2. It extends to the whole of the Union Territory of Lakshadweep Islands.
3. It shall come into force on the date of its publication in the Lakshadweep Official gazette.

2. DEFINITIONS. In this Regulation, unless the context otherwise requires

- a) "Appellate Authority" means the Administrator or an officer appointed by the Union Territory of Lakshadweep Administration.
"Director" means the Officer appointed by the Lakshadweep Administration as the Head of the Fire Force for the Union Territory of Lakshadweep;
- B) "fire-fighting property" includes
 - (i) lands and buildings used as fire stations,
 - (ii) fire engines, equipments, tools, implements and things whatsoever used for fire-fighting,
 - (iii) motor vehicles and other means of transport used in connection with Firefighting, and special/emergency service
 - (iv) Uniforms and badges of rank;
- C. "FIRE STATION" means a building erected to house the fire fighting equipment, appliances and staff declared generally or specially by the UT Admn. of Lakshadweep to be a fire station for the purpose of this Regulation.;
- d) "UT Admn. of Lakshadweep" means the Administrator of Lakshadweep appointed by the President under Article 239 and designated as such under Article 239 AA of the Constitution.
- e) "Administrator" means the Administrator of Lakshadweep appointed by the President under Article 239 of the constitution;
- f) "Fire Force" means the Lakshadweep Fire Force maintained under this Regulation;

- g) "Officer-in-charge of a fire-station " includes when the officer-in-charge of the fire-station is absent from the station or unable from illness or other cause to perform his duties, the fire officer present at the station who is next in rank to such officer ;
- h) "prescribed" means prescribed by rules made under this Regulation.
Maintenance of the Fire Force.
- i) "Lakshadweep" means the Union Territory of Lakshadweep;

D. Maintenance of Fire Force.

There shall be maintained by the Lakshadweep Administration a Fire Force to be called the Lakshadweep Fire Force for services in the local areas in which this Regulation is in force.

E. Superintendence and control of the Force.

- a. The superintendence and control of the Force shall vest in the Director/Chief Fire Officer and shall be carried on by him in accordance with the provisions of this Regulation and of any rules made there under.
- b. The Administration of UT of Lakshadweep may appoint such officers as it may deem fit to assist the Director in the discharge of his duties

F. Appointment of Director of the Fire Force.

The Director or such other officer of the Force as the Administration of UT of Lakshadweep may authorize in this behalf shall appoint members of the Force in accordance with the rules made under this Regulation.

6. Issue of certificate to members of Force.

- (1) Every person shall, on appointment to the Force, receive a certificate in the prescribed form under the seal of the Director or an officer authorized in this behalf by the Administration of UT of Lakshadweep; and thereupon such person shall have the powers, functions and privileges of a member of the Force under this Regulation.
- (2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be a member of the Force; and on his ceasing to be such member, he shall forthwith surrender the certificate to any officer empowered to receive the same.
- (3) During any term of suspension, the powers, functions and privileges vested in any member of the Force shall be in abeyance, but such member shall continue to be subject to the same discipline and penalties as he would have been if he had not been suspended.

7. Auxiliary Fire Force.

- (1) Whenever it appears to the Administration of UT of Lakshadweep that it is necessary to augment the Fire Force, it may raise an auxiliary Force by enrolment of volunteers for such areas and on such terms and conditions as it may deem fit.

(2) Every such volunteer shall, receive a certificate in the prescribed form, have the Same powers and protection, be liable to all such duties and penalties and be subordinate to the same authorities as a member of the ordinary Force.

8. Expenditure on the Force.

The entire expenditure in connection with the Force shall be met out of the Consolidated Fund of the Union Territory of Lakshadweep.

9. General Powers of the Head of Lakshadweep Fire Force: Subject to the superintendence and control of the Admn. of UT of Lakshadweep for Head of Lakshadweep Fire Force, direct and regulate all matters of firefighting equipment, machinery and appliances, training, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfillment of duties and maintenance of discipline of fire officers and members of the Fire Service under him.

CHAPTER II

POWERS OF THE GOVERNMENT, THE DIRECTOR AND MEMBERS OF THE FORCE

10. Power of Government to make orders. The Administration of UT of Lakshadweep may, from time to time, make such general or special orders as it thinks fit-

- (a) for providing the Force with such appliances and equipments as it deems proper ;
- (b) for providing adequate supply of water and for securing that it shall be available for use ;
- (c) for constructing or providing stations or hiring places for accommodating the members of the Force and its fire-fighting appliances ;
- (d) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Force on the occasion of fires or in the discharge of its duties under section 26 ;
- (e) for giving compensation to persons who have rendered effective service to the Force in case of accidents or to the dependents of such persons in case of death while they were engaged in helping the Force in the discharge of its duties ;
- (f) for the training, discipline and good conduct of the members of the Force ;
- (g) for the speedy attendance of members of the Force with necessary appliances and equipment on the occasion of any alarm of fire ;
- (h) for sending members of the Force with appliances and equipment beyond the limits of any area in which this Regulation is in force for purposes of fire-fighting in the neighborhood of such limits;
- (i) for the employment of the members of the Force in any rescue, salvage or other similar work ;

- (j) for regulating and controlling the powers, duties and functions of the Director ; and Generally for the maintenance of the Force in a due state of efficiency.

11. Powers of members of the Force on occasion of fire.

- (1) On the occasion of fire in any area in which this Regulation is in force, any member of the Force who is in charge of fire-fighting operations on the spot may
- (a) remove, or order any other member of the Force to remove, any person who by his presence interferes with or impedes the operation for extinguishing the fire, or for saving life or property;
 - (b) close any street or passage in or near which a fire is burning;
 - (c) for the purpose of extinguishing fire, break into or through or pull down, any premises for the passage of hose or appliances or cause them to be broken into or through or pulled down, doing as little damage as possible ;
 - (d) require the authority in charge of water-supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilize the water of any stream, cistern, well or tank or of any available source of water, public or private for the purpose of extinguishing or limiting the spread of such fire ;
 - (e) Exercise the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers.
 - (f) Generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property.
- (2) Any damage done on the occasion of fire by members of the Force in the due discharge of their duties shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

- 12. Power of Head of Lakshadweep Fire Force to make arrangements for supply of water.** The Head of Lakshadweep Fire Force may, with the previous sanction of the Administration of UT of Lakshadweep, enter into an agreement with the authority in charge of water-supply in any area for securing an adequate supply of water in case of fire, on such terms as to payment or otherwise as may be specified in the agreement.

- 13. Power of Head of Lakshadweep Fire Force to enter into arrangements for assistance.** The Head of Lakshadweep Fire Force may, with the previous sanction of the Administration of UT of Lakshadweep, enter into arrangements with any person who employs and maintains personnel, or keeps equipments for fire-fighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the personnel or the

equipment or any other assistance, for the purpose of dealing with fire in any area in which this Regulation is in force.

14. Preventive measures.

- (1) The Administration of UT of Lakshadweep may, by notification in the Gazette, require owners or occupiers of premises in any area or of any class of premises used for purposes which in its opinion are likely to cause a risk of fire, to take such precautions as may be specified in such notification.
- (2) Where a notification has been issued under sub-section (1), it shall be lawful for the Head of Lakshadweep Fire Force or any officer of the Force authorized by the Administration of UT of Lakshadweep in this behalf to direct the removal of objects or goods likely to cause a risk of fire, to a place of safety; and on failure of the owner or occupier to do so, the Director or such officer may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods.

CHAPTER III

ACQUISITION OF FIRE FIGHTING PROPERTY

15. Prohibition against transfer of firefighting property.

No local authority of any area in which this Regulation is in force shall, transfer or otherwise part with any firefighting property without the previous sanction of the Administration of UT of Lakshadweep.

16. Requisitioning of firefighting property.

- (1) The Head of Lakshadweep Fire Force or any member of the Force who is in charge of a fire fighting operation may if in his opinion it is necessary so to do for the purpose of extinguishing fire in any area, requisition and take possession of any firefighting property in the possession of any local authority or any institution or individual.
- (2) As soon as the firefighting operations are over the Director or the member in charge of the firefighting operation, as the case may be, shall release the property taken possession of under sub-section (1) from requisition and restore the same to the local authority, institution or individual from whose possession such property was taken.
- (3) Where any firefighting property is requisitioned under subsection (1), there shall be paid to the owner of such property compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say,
 - (a) where the amount of compensation can be fixed by agreement between the Director and the owner of the firefighting property, it shall be paid in accordance with such agreement ;
 - (b) where no such agreement can be reached, the Director/Chief Fire Officer shall refer the matter to the Munsiff having jurisdiction over the area in which the firefighting property was kept and the Munsiff shall after hearing the parties and such other persons as he deems necessary to

hear, fix the amount of compensation taking into consideration the rent which the firefighting property would normally fetch if rented out for a similar purpose. The order of the Munsiff fixing the amount of compensation shall be final.

17. Acquisition of firefighting property.

- (1) If, after making such inquiry and investigation as it deems necessary and after giving the local authority an opportunity to make its representations, the Administration of UT of Lakshadweep is of opinion that the standard of efficiency of the firefighting personnel and equipment maintained by the local authority is not adequate to meet the normal requirements of the area, the Administration of UT of Lakshadweep may acquire the firefighting property of the local authority by publishing in the Gazette a notice to the effect that the Administration of UT of Lakshadweep has decided to acquire such property on payment of compensation; a copy of such notice shall also be served on the local authority.
- (2) When a notice as aforesaid is published in the Gazette, the property specified in such notice shall on and from the beginning of the date on which the notice is so published, vest absolutely in the Administration of UT of Lakshadweep free from all encumbrances.

18. Principles and method of determining compensation.

- (1) The Head of Lakshadweep Fire Force authorized by the Administration of UT:-Lakshadweep shall as soon as may be after the publication of the notice under sub-section (1) of section 16 determine the amount of compensation payable in respect of the firefighting property based on the market value of the property on the date of publication of the said notice, that is to say, the price which it would have fetched in the open market if it had been sold on that date:

Provided that before determining the amount of compensation, the Director or the officer, as the case may be shall give the local authority an opportunity to state what in its opinion is a fair compensation.

- (2) The Head of Lakshadweep Fire Force be, shall, after determining the amount of compensation payable, give notice to the local authority of the amount of compensation so determined.

- 19. Reference to Court.** If the local authority agrees to accept the amount so determined, it shall be paid in accordance with such agreement. If the local authority does not agree to accept the amount the Director/Chief Fire officer, as the case may be, shall refer the matter to the court of the subordinate judge having jurisdiction over the area in which the property is situate, and the court shall, after hearing the parties and such other persons as it deems necessary to hear, determine the amount of compensation which appears to it to be just; and in fixing the amount of compensation the court shall have regard to the market value of the property on the date of issue of notice referred to in sub-section (1) of section 16.

20. **Appeal.** Where the Administration of UT of Lakshadweep or a local authority is aggrieved by the decision of the Court under section 18, it may within thirty days from the date of such decision prefer an appeal to the High Court.

CHAPTER IV

PENALTIES

21. **Penalty for violation of duty, etc.** Any member of the Force who:-
- (a) is found to be guilty of any violation of duty or willful breach of any provision of this Regulation or any rule or order made hereunder, or
 - (b) is found to be guilty of cowardice, or
 - (c) withdraws from the duties of, or resigns, his office without permission or without having given previous notice of at least two months, or
 - (d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, or accepts any other employment or office in contravention of the provisions of section 24, Shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such member or with both.
22. **Failure to take precautions.** Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code, 1860(45 of 1860).
23. **Penalty for willfully obstructing the firefighting, rescue operation:-** Any person who willfully obstructs or interferes with any member of the Fire Service who is engaged in firefighting and rescue operations, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both. However, this does not prevent action to be taken under Indian Penal Code for obstruction in Govt. performance.
24. **False report:-** Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.

CHAPTER-V**GENERAL MEASURES FOR FIRE PREVENTION AND SELF REGULATION****25. Preventive measures:-**

1. The Admn. of UT of Lakshadweep may, by notification in the Official Gazette, declare any class of occupancy and pandals which, in its opinion is likely to cause a risk of fire.
2. The UT Admn. of Lakshadweep may, by notification in the Official Gazette, require owner or occupiers, or both, of premises or buildings or erectors of pandals notified under sub-section (1), to take such fire prevention and fire safety measures as may be prescribed.

26. Fire prevention and fire safety measures in the pandals to be self-regulatory:-

1. Notwithstanding anything contained in this Regulation, the erectors of pandals shall be deemed to be self-regulators for taking fire prevention and fire safety measures prescribed under sub-section (2) of section 25.
2. The erector of a pandal shall display at a prominent place in the pandal a declaration in the prescribed form and under his own signature to the effect that he has taken all the prescribed fire prevention and fire safety measures therein.
3. It shall be lawful for the Director, nominated authority or any other officer authorized by the UT Admn. of Lakshadweep in this behalf to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under sub- section (2) and to point out the shortcomings, if any, with directions 9 to remove them within a specified time. If the directions of the inspecting officer are not complied with within the time so given, the inspecting officer shall seal the pandal.

27. Power of members of the Fire Service on occasion of fire and Disaster Management :- On the occasion of firefighting and rescue in any area in which this Regulation is in force, any member of the Fire Service who is in charge of firefighting operations on the spot may:

- (a) Remove, or order any other member of the Fire Service to remove, any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which a fire is being fought and /or rescue work is in progress;
- (c) arrest a person who willfully obstructs and hinders a fire service personnel in firefighting and rescue operations and shall hand him over to a police officer or at the nearest police station without avoidable delay along with a brief note giving the time, date and reasons of arrest;

CHAPTER VI
MISCELLANEOUS

28. **Establishment of Fire Training Institute:-**The UT Admn. of Lakshadweep may establish and maintain a fire training institute in Lakshadweep to be known as the "Fire Safety Management Academy" for providing courses of instruction in the prevention and extinguishment of fire for Police/Fire Service personnel and private candidates from shop, hotels, ground/First/Second/Third Floor buildings and similar other government and Non- Government establishments.
29. **Bar to other employment.** No member of the Force shall engage in any employment or office whatsoever other than his duties under this Regulation unless expressly permitted to do so by the Director/Chief Fire Officer.
30. **Transfer to other Island.**

The Director/Chief Fire Officer or any fire officer authorized by the UT Admn. of Lakshadweep in this behalf may, on the occasion of a fire or other emergency in any neighboring area in which this Regulation is not in force, order the dispatch of the members of the Fire Service with necessary appliances and equipment to carry out firefighting operations in such neighboring area and thereupon all the provisions of this Regulation and the rules made there under shall apply to such areas, during such period as the Director may specify on such charges as may be prescribed from time to time.

31. **Employment on other duties.**

It shall be lawful for the Administration of UT of Lakshadweep or any officer authorized by it in this behalf to employ the force in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment.

32. **Liability of owner of property to pay compensation.**

- i. Any person whose property catches fire on any account of any action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damages to his property on account of any action taken under section 10 of this Regulation by any officer mentioned therein or any person acting under the authority of such officer.
- ii. All claims under sub-section (1) shall be preferred to the Collector within thirty days from the date when the damage was caused.
- iii. The Collector shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same and the order as passed shall be subject to loan appeal to the District Judge having jurisdiction over the area in which the property is situated.

33. **Inquiry into origin of fire and report to Government.**

Where any fire has occurred within any area in which this Regulation is in force, the Collector shall ascertain the fact as to the origin and cause of

such fire and shall make a report thereon to the Administration of UT of Lakshadweep.

34. **Power to obtain information.**

Any officer of the force not below the rank of an officer in charge of a fire-station may for the purpose of discharging his duties under this Regulation require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water-supplies and the means of access thereto and other material particulars and such owner or occupier shall furnish all the information in his possession.

35. **Power of entry.**

- (1) The Director or any member of the Force authorized by him in this behalf may enter any of the places specified in any notification issued under section 13 for the purpose of determining whether precautions against fire required to be taken on such place have been so taken.
- (2) Save as otherwise expressly provided in this Regulation, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1).

36. **Consumption of water.** No charge shall be made by any local authority for water consumed in firefighting operations by the Force.

37. **No compensation for interruption of water supply.** No authority in charge of water-supply in an area shall be liable to any claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10,

38. **Police Officers to aid.** It shall be the duty of police officers of all ranks to aid the members of the Force in the discharge of their duties under the Regulation.

39. **Special promotion to the subordinate operational staff :-** To encourage outstanding sportsmen, marks men, officers who have shown exceptional gallantry and devotion to duty in saving the life and property, the Head of Lakshadweep Fire Force may, with the prior approval of the UT of Lakshadweep, promote such officers out of turn to the next higher rank provided vacancies exist. Such promotions shall not exceed ten percent of the sanctioned strength in such ranks. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year.

40. **Death of member of Fire Force:-** In the event of a member of the Fire Force (other than a Gazetted officer), dying while on active duty, the UT of Lakshadweep shall pay, subject to the maximum limit of ten thousand rupees to the next of kin as funeral expenses.

41. **Indemnity.** No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rule or order made there under,

42. Power to make rules.

- (1) The Administration of UT of Lakshadweep may, by notification in the Gazette, make rules for carrying out the purposes of this Regulation. In particular and without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the number and grades of officers and members of the Force;
 - (b) The manner of appointment of members of the Force ;
 - (c) giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire Service on the occasion of fires;
 - (d) The form of the certificate to be issued to the members of the Force;
 - (e) The conditions of service of the members of Force including their ranks, pay and allowances, hours of duty and leave, maintenance of discipline and removal from service ;
 - (f) the circumstances in which and the conditions subject to which members of the Force may be dispatched to carry on firefighting operations in neighboring areas beyond the limits of the area in which this Regulation is in force ;
 - (g) the conditions subject to which members of the Force may be employed on rescue , salvage or other work;
 - (h) the manner of service of notice under this Regulation ;
 - (i) the payment of rewards or compensation to persons, not being members of the Force, who render services under clause (d) or clause (e) of section 9 ;
 - (j) the compensation payable to members of the Force in case of accidents or to their dependents in case of death while engaged on duty ;
 - (k) speedy attendance of members of the Fire Service with necessary appliances and equipment on the occasion of any alarm of fire;
 - (l) assigning duties to fire officers of all ranks and grades, and prescribing the manner in which they shall exercise and perform their respective powers and duties;